

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**RONNIE EDWARD SMITH**

**PETITIONER**

**V.**

**CIVIL ACTION NO. 3:08-CV-486 HTW-LRA**

**RONALD W. KING**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes before this Court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson. Said document was filed on August 14, 2020. [Docket no. 73]. On September 14, 2020<sup>1</sup>, Pro Se Petitioner Ronnie Edward Smith (“Petitioner”) filed his objections to the Report and Recommendation. [Docket no. 75]. Respondent Attorney General of Mississippi, on September 21, 2020, filed a timely response to Petitioner’s objections. [Docket no. 76].

Based upon the evidence therein contained, this Court finds the Report and Recommendation well-taken; therefore, the Report and Recommendation of the United States Magistrate Judge [Docket no. 17] is hereby **ADOPTED** as the order of this Court.

Further, this Court deems Petitioner’s Rule 60(b) motion to be a successive habeas petition, as it seeks to attack Petitioner’s conviction and sentence by raising new claims of ineffective assistance and venue. Petitioner has made no showing that he has received authorization from the Fifth Circuit Court of Appeals to file a successive application concerning these new claims. This Court, therefore, lacks jurisdiction to consider these claims at this juncture.

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<sup>1</sup> This Court granted Petitioner’s request for additional time to file his objections to the Magistrate Judge’s report. [See ECF Text only Order dated 9/11/2020].

This Court hereby **DISMISSES WITHOUT PREJUDICE** Petitioner's motion and supplemental motion to reopen habeas corpus proceedings [**Docket nos. 64 and 70**] for lack of jurisdiction because the motions amount to a successive habeas petition.

This Court further **DENIES** Petitioner's motion for an evidentiary hearing [**Docket no. 68**].

**SO ORDERED AND ADJUDGED** this the 20<sup>th</sup> day of November, 2020.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT COURT JUDGE